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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Shri Justice Dilip Raosaheb Deshmukh

Misc. Appeal (C) No.45 of 2006

Appellant Claimant	:		Chandra Prakash Sahu, S/o Bisahat Sahu, aged about 38 yrs., R/o infront of School Pahadipara, P.S. Amanaka Sandogari, Raipur, Tah. & Distt. Raipur (CG)
Respondents Non-applicants	:	1.	Raj Kumar Vishwakarma, S/o Sewa Ram Vishwakarma, R/o Vill. Kandel, P.S. Arjuni, Tah. Dhamtari, Distt. Dhamtari (CG)
	:	2.	Ghanshyam Prasad Kashyap, S/o Mahendra Prasad Kashyap, R/o Vill. & Post Chhati, Tah.Kurud, Distt. Dhamtari (CG)
	:	3.	The Oriental Insurance Company Limited, Branch Office, Dhamtari, By Divisional Manager, Divisional Office No.1, Kachahari Chowk, Jail Road, Raipur (CG)

Miscellaneous appeal under Section 173 of the Motor Vehicle Act, 1994

Present:
Shri S.C. Verma, counsel for the appellant/claimant.
Shri A.K. Athaley, counsel appears and takes notice on behalf of respondent No.3/insurance company.

ORAL ORDER
(Passed on 10.08.2007)

The appellant is aggrieved by an award dated 29.04.2006 passed by the learned Member Additional Motor Accidents Claims Tribunal, Bilaspur (hereinafter referred to as the M.A.C.T.) in Claims Case No. 44 of 2006 whereby compensation of Rs.59,000/- was awarded to the claimant in a case of personal injury.

(28)

(2) During the course of arguments, a settlement was arrived at between the parties whereunder the respondent/insurance company agreed to pay a sum of Rs.40,000/- in addition to the compensation already awarded by the M.A.C.T by depositing the same with the M.A.C.T., within a period of two months from today.

(3) Shri S.C. Verma, learned counsel for the appellant/claimant agrees to the settlement.

(4) In view of the settlement arrived at between the parties, the award passed by the M.A.C.T is modified and an additional sum of Rs.40,000/- over and above the sum awarded by the M.A.C.T is awarded as compensation to the appellant/claimant. After adjusting the compensation paid, the respondent No.3/insurance company shall deposit the remainder with the M.A.C.T. within a period of two months from today, failing which, it shall also be liable to pay interest at the rate of 8% per annum from the date of application till realization.

(5) With the aforesaid direction, the miscellaneous appeal stands disposed of.

(6) A copy of this order be sent to the M.A.C.T. forthwith. The M.A.C.T. shall on deposit of compensation ensure:

(29)

A. that the claimant/appellant is noticed about the award and to appear before the M.A.C.T. in person along with his pass book of an account in a nationalized bank,

B. that the pass book of the claimant is accompanied by the photograph and is duly verified by the bank and the same is also verified by the M.A.C.T. before issuance of cheque,

D. that a direction is issued to the concerned bank not to release the amount in favour of any person, other than the claimant unless ordered by the M.A.C.T.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya